

Tokunori KIMURA
Serial No. 10/596,052
February 22, 2011

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

The title has been amended to incorporate the Examiner's suggestion, thus mooting this ground of objection.

The rejection of claims 1-14, 16-29, 37, 38, 41 and 42 under 35 U.S.C. §112, first paragraph, as allegedly failing to have a supporting "written description" in the specification is respectfully traversed.

First of all, the Examiner's quotation from claim 1, lines 12-13, erroneously inserts a parenthetical "both" that does not appear explicitly or implicitly in the actual language at claim 1, lines 12-13, as presented on June 11, 2011.

Secondly, the claimed (i) spiral and (ii) radial methods that are recited as two of the three alternatives are fully disclosed not only in original claim 15, but also in the original specification (e.g., see page 25 at lines 1 and 9-12).

The Examiner has apparently illogically and incorrectly interpreted the language "one of a spin warp method, a spiral method and a radial

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method" as reciting only two alternatives. In fact, the English grammar therein presented defines three alternative methods.

In any event, this language that was previously added to claims 1, 37, 38, 41 and 42 from original claim 15 has now been removed from these claims in view of the changed circumstances brought about by the issuance of a new office action. Instead of limitations from original claim 15, it will be noted that the above amendments now incorporate the substance of original claim 19 into independent claims 1, 37, 38, 41 and 42 (the subject matter of dependent claim 19 being indicated as allowable subject matter elsewhere in the last office action).

In response to the rejection of claims 8, 18, 21, 25 and 26 under 35 U.S.C. §112, second paragraph, these claims have all been amended so as to obviate the Examiner's stated grounds for rejection.

In response to the rejection of claims 1-14, 16-29, 41 and 42 under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter, these claims have now been amended so as to include in the claimed subject matter at least one programmed computer connected to execute

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program code that includes the recited sections. Thus, these claims are definitely "tied" to specific hardware.

In response to the rejection of claims 37 and 38 under 35 U.S.C. §101 as allegedly not defining statutory subject matter, these method claims have also been amended so as to require using at least one programmed computer to effect the stated method steps.

Accordingly, all outstanding formality-based issues are now believed to have been resolved in the applicant's favor. Should there be any remaining formality-based issues, it is respectfully requested that the undersigned be telephoned for prompt resolution.

The rejection of claims 1-5, 7, 9, 11-18, 20, 24, 27-29, 37, 38, 41 and 42 under 35 U.S.C. §103 as allegedly being made "obvious" based on Takizawa JP '507 in view of Edelstein is respectfully traversed.

It is believed that these rejections are now all mooted in view of the above amendments since the substance of dependent claim 19 has now been incorporated either directly or indirectly into all pending claims. It is noted, for example, that the Examiner has indicated allowable subject

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matter at claims 8, 19, 21, 22, 23, 25 and 26, if rewritten in independent format. Although a literal reading of the Examiner's action would require one to also retain the substance of original dependent claim 15 (because that subject matter was earlier indicated as allowable and included in all of these claims by the amendment of June 11, 2010), the Examiner's stated reasons for indicating allowable subject matter do not depend upon the earlier incorporated subject matter of original claim 15. In view of the Examiner's changed position in this last office action and the fact that the reasons for indicating allowable subject matter at, inter alia, claim 19, do not depend upon the inclusion of subject matter from original claim 15, it is believed that the above amendments now place all of the rejected claims in fully allowed status, thus making it unnecessary to discuss deficiencies of this allegedly "obvious" combination of references with respect to other aspects of the rejected claims.

The Examiner's attention is also drawn to new dependent claim 45, which will be recognized as simply a copy of original dependent claim 15 (which was earlier incorporated into other claims in response to the

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Examiner's earlier holding of allowable subject matter – now apparently reversed in favor of other holdings of allowable subject matter).

Accordingly, this entire application is now believed to be in allowable condition, and a formal notice to that effect is earnestly solicited.

Respectfully submitted,

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